

Title 19
Division 1
Chapter 17

INITIAL STATEMENT OF REASONS

ADMINISTRATIVE REQUIREMENT OR OTHER CONDITIONS THAT THE REGULATION IS INTENDED TO ADDRESS:

The legislature added §13155-13159.4 [1977] and §13159.7-13159.10 [1988] to the Health and Safety Code. The articles are known respectively as the California Fire Service Training and Education Program Act and the California Fire and Arson Training Act (CFAT). The purpose of the legislation six-fold:

- To reduce the cost and suffering and property loss from fires through standardized fire training and education programs.
- To provide professional Fire Service Training Programs to personnel.
- To develop new methods and practices in fire protection.
- To disseminate information relative to fires and other related subjects to all interested parties.
- To enhance the coordination of fire service training and education.
- To develop a coordinated and standardized plan for the control of fires and the safety of fire fighters where hazardous materials are involved.

The legislation and subsequent amendments established the California Fire Service Training and Education Program with the State Fire Marshal (SFM). It authorized and directed the SFM to:

- Promulgate and adopt rules and regulations necessary for the implementation of the program [§13157(a), Health and Safety Code].
- Establish the courses of study and curriculum to be used in the program [§13157(b), Health and Safety Code].
- Establish prerequisites for the admission of personnel who attend courses offered in the program. [§13157(c), Health and Safety Code].
- Establish and collect admission fees and other fees that maybe necessary for training, which shall not be deducted from state appropriations for this program. [§13157(d), Health and Safety Code].
- Collect such fees as may be established pursuant to Health and Safety Code [§13159.8(e), Health and Safety Code].

The act goes on to designate certain responsibilities to the SFM. The most significant is to *verify the minimum curriculum requirements, facilities, and facility standards for schools, seminars, or workshops operated by or for the State for the specific purpose of training fire service personnel* [13159(d), Health and Safety Code].

Since the act was authorized, the SFM and staff have worked to develop the components of the program. It has been a tremendous effort requiring thousands of hours of staff and volunteer time from fire departments throughout the state to complete the program. The SFM now has a coordinated/integrated delivery system to train and certify fire service personnel statewide. The California Fire Service Training and Education Program has curriculum for over 100 classes. Classes are taught at a variety of locations including local and regional academies (accredited by the SFM), and throughout the community college system.

SPECIFIC PURPOSE & RATIONALE:

The specific purpose of these proposed regulations is to complete the statutory requirement found in §13157(a), Health and Safety Code, which is to “*promulgate rules and regulations necessary for the implementation of the program.*” Adoption of the proposed regulations will comply with the requirements of the legislation and provide the SFM with the appropriate tools for the management of the California Fire Service Training and Education Program.

TECHNICAL, THEORETICAL, & EMPIRICAL STUDY OR REPORT:

The SFM has developed California Fire Service Training and Education Program with policy guidance from the State Board of Fire Services (SBFS) and the Statewide Training and Education Committee (STEAC) established by the SFM in accordance to section 13159.9(b), Health and Safety Code. Instructions for participation in the program are contained in three documents including: “State Fire Training Procedures Manual (January 2008),” “Course Information and Required Materials (January 2008),” and “Curriculum Development Guidelines (January 2008).” Each of these manuals used for the management of the program are incorporated into the proposed regulation by reference or intent. The “State Fire Training Fee Report (September 2006),” a fiscal analysis of program income and expenditures were relied upon to support the California Fire Service Training and Education Program fee structure.

NECESSITY:

The regulations are necessary to implement the provisions of §13157(a), Health and Safety Code and to provide the State Fire Marshal with the legislatively required tools to manage a mission critical program.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE STATE FIRE MARSHAL'S REASONS FOR REJECTING THOSE ALTERNATIVES:

No reasonable alternatives were identified by the State Fire Marshal. The proposed regulations are required by §13157(a), Health and Safety Code to implement the intent of the legislation that created the California Fire Service Training and Education Program. No alternatives considered by the State Fire Marshal would be more effective in carrying out the purpose for which the regulation is proposed, or would be as effective, or less burdensome to affected private persons than the proposed regulations.

ALTERNATIVES - SMALL BUSINESSES

The State Fire Marshal has determined there is no impact on small business. The training program is a voluntary system of participation by any agency of the state or local government that elects to be subject to these regulations §13159.8(h), Health and Safety Code.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

The State Fire Marshal can find no evidence that this action will have a significant adverse economic impact on any business.

COORDINATION WITH FEDERAL LAW

The State Fire Marshal has determined that this proposed regulatory action neither conflicts with, nor duplicates any federal regulation contained in the Code of Federal Regulations.

SPECIFIC SECTIONS WHICH HAVE BEEN MODIFIED

Article 1

Proposed Section(s) 2400-2400.02 establishes the intent, title, purpose and scope of these regulations.

Necessity: The proposed adoption of these sections establishes the authority and the foundation for the State Fire Marshal to implement the California Fire Service Training and Education Program.

Proposed Section 2400.03 provides statutory reference for participation in the fire training system.

Necessity: This section was included in regulations to make specific that the California Fire Service Training and Education Program is an opt-in training program and does not impose a state mandated program on local government. The

intent of the legislature was that the California Fire Service Training and Education Program to be a voluntary program.

Proposed Section 2400.04 establishes the State Fire Marshal's statutory authority to manage a standardized statewide fire service training program; with policy and advise from the State Board of Fire Services and the establishment of the State Fire Marshal's Statewide Training and Education Advisory Committee.

Necessity: This section establishes the authority to develop and manage the statewide training system with program guidance from the State Board of Fire Services (SBFS) as well as the Statewide Training and Education Advisory Committee (STEAC). Both of these organizations are comprised of a wide range of fire service interest groups, including management, labor, rural and metropolitan fire departments, and community colleges. To maintain the integrity of a system that services an estimated 60,000 firefighters and 980 fire departments across the state, the State Fire Marshal will exercise its authority to maintain quality and consistency of the program through State Fire Training's instructors, curriculum, and training delivery sites.

Proposed Section(s) 2400.05 establishes the State Fire Marshal's authority to enforce the regulations.

Necessity: This section specifies how the State Fire Marshal intends to implement these regulations. The State Fire Marshal relies on the Division Chief of State Fire Training and the State Fire Training staff, along with volunteers from the fire service community, to enforce the administration and management of the California Fire Service Training and Education System.

Proposed Section 2400.06 establishes the State Fire Marshal's delegation of authority to the Division Chief of State Fire Training.

Necessity: This section makes more specific the authority of the Division Chief of State Fire Training. This section establishes the delegation of authority from the State Fire Marshal to the Division Chief of State Fire Training to administer, manage and maintain the statewide training system. Within this section, the Division Chief of State Fire Training has the ability to consider petitions for alternative applications to the methods and procedures of these regulations. Examples would include; a different training program configuration for an accredited rescue training site, certificates from other (out of state) training systems that meet or exceed the minimum standards established by State Fire Training or granting historical recognition of instructors in specialized areas of study.

Proposed Section 2400.07 implements a process for appeals to alternative applications to the methods and procedures denied by the Division Chief of State Fire Training to the State Fire Marshal.

Necessity: This section implements a process that allows applicants the ability to appeal decisions made by the Division Chief of Training to the State Fire Marshal for consideration of alternatives to program and system requirements.

Article 2

Proposed Section 2500.00 incorporates by reference State Fire Trainings three primary instructional documents including the; “*State Fire Training Procedures Manual (January 2008)*,” “*Course Information and Required Materials Manual (January 2008)*” and “*Curriculum Development Guidelines (January 2008)*” as a part of these regulations.

Necessity: The proposed section incorporates by reference “SFT Procedures Manual” which sets-out the processes for certification, instructor registration, and academy accreditation, along with the forms and applications required to initiate, and complete each of these processes.

This section also adopts by reference the “Course Information and Required Materials Manual” which details each of accredited training programs available through the State Fire Marshal’s Office. This document includes; course description, instructor requirements, student/instructor ratio, and required material, sites, and student manuals.

The State Fire Marshal has a statutory obligation to develop and verify curriculum within the state fire training system. The “Course Development Guidelines” provides the minimum standard for the development of curriculum within the state fire training system.

Each of these manuals are freely available on the State Fire Training website and incorporated by reference. The State Fire Marshal found that it would be too cumbersome, unduly expensive and impractical to publish each of these manuals in the California Code of Regulations. The State Fire Marshal and State Fire Training Division understand that future changes to any of these documents requires that the changes be approved through the rulemaking process in accordance to the Administrative Procedures Act.

Proposed Section 2500.01 is proposed to implement the minimum curriculum development standards found in the “Course Development Guidelines.”

Necessity: The “Course Development Guidelines” is part of the training system in that it establishes the minimum standards for the procedures and process in which accredited classes are developed.

Proposed Section 2500.02 establishes accredited and approved course curriculum.

Necessity: This section defines the various levels of courses within the California Fire Service Training and Education Program. The courses that lead to certification are found in the California Fire Service Training and Education System (CFSTES) and are considered “accredited” courses. Examples of position

certification include Instructor, Investigation, Management, and Fire Prevention, all of which are achieved by taking the required number of classes to achieve certification.

Other courses offered by the State Fire Marshal are found in the Fire Service Training and Education Program (FSTEP). These classes do not lead to certification but are “approved” by the State Fire Marshal to be delivered statewide. Examples of FSTEP classes include; Trench Rescue, Auto Extrication, and Basic Emergency Vehicle Operations.

Both the CFSTES and FSTEP training programs provide the core curriculum to the California Fire Service Training Program managed .

Proposed Section 2500.03 provides clarity on the issue of certification exam security.

Necessity: The proposed adoption of this section places emphasis on certification exam security by establishing who can and can not handle certification exams. Breaches in exam security undermine and invalidate the certification testing process and the integrity of the California Fire Service Training and Education Program.

Proposed Section 2500.04 makes specific the levels of instructors and the type of courses they are authorized to teach.

Necessity: Within the California Fire Service Training and Education Program there are two types of curriculum; the California Fire Service Training and Education System which leads to position certification, and the Fire Service Training and Education Program which does not. Instructors must meet certain requirements to teach one or the other or both.

Proposed Section 2500.05 establishes the process for institutions (colleges and fire departments) to become an accredited facility in the State Fire Training system.

Necessity: This section identifies the types of facilities that can be accredited by the State Fire Marshal and where the majority of State Fire Trainings classes are delivered around the state.

Proposed Section 2500.06 establishes a safety policy for instructors to communicate to their students in these regulations.

Necessity: This section is necessary to insure that any member of the fire service can safely participate in fire service related training. Infractions to the safety section of this regulation are a primary reason for suspension or revocation of an instructors registered, or a facilities accreditation status.

Proposed Section 2500.07 provides for instructor and accredited facility accountability.

Necessity: The effectiveness of a standardized State Fire Training System is dependent on instructors and accredited facilities maintaining the minimum standards of the training system. This section makes clear the requirements for instructor and accredited facility responsibility and accountability to the State Fire Training system.

Proposed Section 2500.08 establishes the progressive discipline necessary to the enforcement of these regulations.

Necessity: This section implements a progressive disciplinary process that clarifies how the integrity of the training system will be maintained. This section provides information to instructors and academies of the actions that will be taken to ensure compliance with these regulations.

Proposed Section 2500.09 establishes an appeal process to a suspension or revocation of instructor registration or facility accreditation.

Necessity: This section provides clarity to adverse actions taken by State Fire Training to an instructor or academy when faced with a suspension or revocation and the levels of appeals available to them.

Proposed Section 2500.10 establishes the reinstatement policy of the State Fire Marshal.

Necessity: This section provides clarity to the reinstatement actions available to registered instructors or accredited facilities to reverse a suspension or revocation of the State Fire Marshal.

Proposed Section 2500.11 establishes the requirement for instructors to become registered in the fire training system by attending a “Regional Instructor Orientation Class” and the “Ethical Leadership in the Classroom training program.”

Necessity: Regional Instructor Orientation provides the instructor and accredited facility with information on the processes, rules, regulations and procedures to fully participate in the California Fire Service Training and Education Program. The Ethical Leadership in the Classroom training program is also required for all instructors and accredited academy staff as a means to establish their responsibilities to the students, the training and education profession, and to State Fire Training. Both of these classes are part of the training systems quality control program.

Proposed Section 2500.12 establishes State Fire Trainings fee schedule.

Necessity: State Fire Training was established legislatively to be a self-supporting system with no funding from the State’s General Fund. Fees implemented in the section are used to pay for staff and expenses relative to the management and

maintenance of the training system, develop new curriculum, revise old curriculum, and pay for expenses of subject matter experts who assist in the development of the curriculum.

Proposed Section 2500.13 clarifies the purpose of the California Arson Training Fund (CFAT).

Necessity: State Fire Training was established legislatively to be a self-supporting system with no funding from the State's General Fund. Fees paid into the system are held by the state in a separate fund called the California Arson and Training Fund. Money from this fund pays for staff and expenses as well as curriculum development projects when appropriated by the legislature.